



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 3, 2009

ITEM NUMBER:

SUBJECT: APPEAL OF PLANNING APPLICATION PA-08-23
758 AND 760 VICTORIA STREET AND 2199 RALEIGH AVENUE

DATE: FEBRUARY 18, 2009

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, AIA, SENIOR PLANNER
DONALD D. LAMM, DIRECTOR

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, SENIOR PLANNER
(714) 754-5610

RECOMMENDATION:

Adopt a resolution upholding, reversing, or modifying Planning Commission's decision to approve Planning Application PA-08-23, a conditional use permit that allows renovation of an existing church campus, including demolition of 6,180 square feet and new construction of 9,749 square feet for a net increase of 3,569 square feet and a variance from maximum allowable building height (27 feet required, 33 feet proposed).

BACKGROUND:

Property Location:

The Christ Lutheran Church is located at 758 and 760 Victoria Street bounded by Congress Avenue on the north, Victoria Street on the south and residential properties and a church on the east and west. The project site also includes a recently acquired property at 2199 Raleigh Avenue. The entire project site is 4.37-acres (Attachment 1).

The church site is currently developed with a sanctuary, parsonage, day care, playing fields, preschool classes, and nine primary school classrooms. The property at 2199 Raleigh Avenue is currently developed with a single family residence. The properties are located within the Single Family Residential (R1) zoning district.

Previous Actions:

On January 26, 2009, Commission held a public hearing and on a 5-0 vote approved proposed project.

On February 2, 2009, an appeal application was filed by the property owner at 2195 Raleigh Avenue.

On February 17, the public hearing was continued to March 3, 2009 to allow adequate public noticing of the appeal application.

Project Request:

The proposed project consists of two phases as follows:

Phase 1

This phase includes demolition of the fireside and parsonage buildings (4,380 square feet) and construction of a new two-story administration building and fireside building (5,932 square feet). The two-story building will be located within the central area of the campus, surrounded by the sanctuary building to the east and classrooms to the west.

Phase 2

This phase includes demolition of the house at 2199 Raleigh Avenue (1,800 square feet) and construction of a new café/resource center and a youth loft over the Gym restrooms (2,017 square feet). The new added site area will ensure that the maximum Floor Area Ratio (FAR) of 0.25 is maintained with the new additional square footage. Since the residential parcel will not be integrated with the church campus and in order to minimize impacts to adjoining properties, the applicant proposes to improve the site as a passive open space with no lighting and an accent landscape area at the corner of Congress Street and Raleigh Avenue. A six-foot high block wall is proposed along the southerly property line abutting 2195 Raleigh Avenue (Attachment 2).

The proposed second floor youth loft would require a new roof framing with a ridge height of 33 feet; the maximum allowable building height in R1 zone is 27 feet. The two-story building is situated more than 100 feet from adjacent residential properties; therefore, it is not anticipated to have a shade and shadow impact on surrounding properties. In addition, the current sanctuary is approximately 38 feet in height and is situated closer to the easterly property line. The new building is designed to complement the existing size and massing of the sanctuary. Phase 2 is anticipated to be constructed within 5-7 years.

Appeal Summary:

An appeal of Commission's approval was received on February 2, 2009. The proposed Planning Application PA-08-23 contains three properties including development of the parcel located at 2199 Raleigh Avenue. The appellant's property, 2195 Raleigh Avenue, abuts the church property on the west and north side. The appellant indicated the proposed project will have a negative impact on property value and quality of life on his property and the residential neighborhood as a whole (Attachment 4).

Commission Action:

On January 26, 2009, Commission held a public hearing and on a 5-0 vote approved the proposed project with three modified conditions. Public testimonies included supportive comments from one resident and complaints from three residents regarding noise during outdoor church and school activities, stray balls, noise from early morning leaf blowers and privacy issues. Commission requested the church be more considerate of the privacy and noise impacts to adjacent neighbors by rescheduling early morning landscape maintenance and purchasing more quiet leaf blowers (Attachment 6).

The applicant requested two modifications to the conditions recommended by staff. First, to defer a lot line adjustment to Phase 2, since the church was considering purchase of other properties abutting the site, and second, to allow repair and refinish of perimeter block wall instead of reconstruction that would be costly for 1,200 linear feet of block wall. The Planning Commission resolution of approval included revised conditions that required refinishing and replacement of the top course instead of reconstruction of the block wall along the easterly and westerly lines and submitting a lot line adjustment with Phase 2 improvements (Attachment 8).

Submitted Public Comment:

On February 10, 2009, a letter opposing the project was submitted by Mr. Kenneth Carr who resides at 2229 Raleigh Avenue (Attachment 5). It was indicated that the operation of the church causes increased traffic and congestion on Raleigh Avenue and the new property addition at 2199 Raleigh Avenue is removed from campus activities and directly connects the church to the residential neighborhood. Mr. Carr requested that the church access be limited to Victoria Street and the Congress Street access remain closed during school hours. He also requested that no construction trucks be allowed on residential street during construction of the proposed improvements.

ALTERNATIVES CONSIDERED:

Council may consider the following alternatives:

1. Uphold Planning Commission's approval consistent with the draft resolution contained in Attachment 3A.
2. Modify Planning Commission's approval to further address the neighborhood's concerns. Staff recommends a new condition (Condition 37) requiring installation of a 7-foot block wall abutting appellant's property to ensure better security and minimize privacy impacts. Condition 38 is recommended to require that haul routes be approved by the Engineering Division and access on Congress Avenue is minimized to the greatest extent possible. This alternative corresponds to the draft resolution contained in Attachment 3B.
3. Reverse the Planning Commission's decision and deny the conditional use permit request. If denied, the applicant would not be able to submit a similar request for six months. This alternative corresponds to the draft resolution contained in Attachment 3C.

ENVIRONMENTAL DETERMINATION:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental processing procedures. Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

FISCAL REVIEW:

Fiscal review is not required.

LEGAL REVIEW:

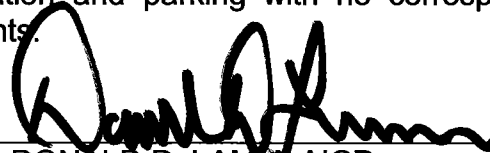
The attached resolutions were reviewed and approved by the City Attorney's office as to form.

CONCLUSION:

The appellant believes the proposed expansion of the church will have a negative impact on the residential neighborhood with potential to devalue residential properties and causing additional noise and security concerns. The church has been operating at this location since 1957 and the improvements at 2199 Raleigh Avenue are restricted to passive open space. Commission approved the applicant's request since Christ Lutheran Church has served the neighborhood for many years and the proposal is to modernize the existing buildings, improve on-site circulation and parking with no corresponding increase in church services or number of students.



MINOO ASHABI, AIA
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachments:

- 1 – Location Map
- 2 – Plans
- 3 – Draft City Council Resolutions
- 4 – Appeal Application form
- 5 – Submitted Letter
- 6 – Minutes of January 26, 2008 meeting
- 7 – January 26, 2008, Planning Commission Staff Report
- 8 – Planning Commission Resolution PC-09-05

cc: City Manager
Assistant City Manager
City Attorney
Public Services Director
City Engineer
City Clerk
Staff (4)
File (2)

Terry D. Jacobson
J7 Architecture
1470 Jamboree Road, Suite 200
Newport Beach, CA 92660

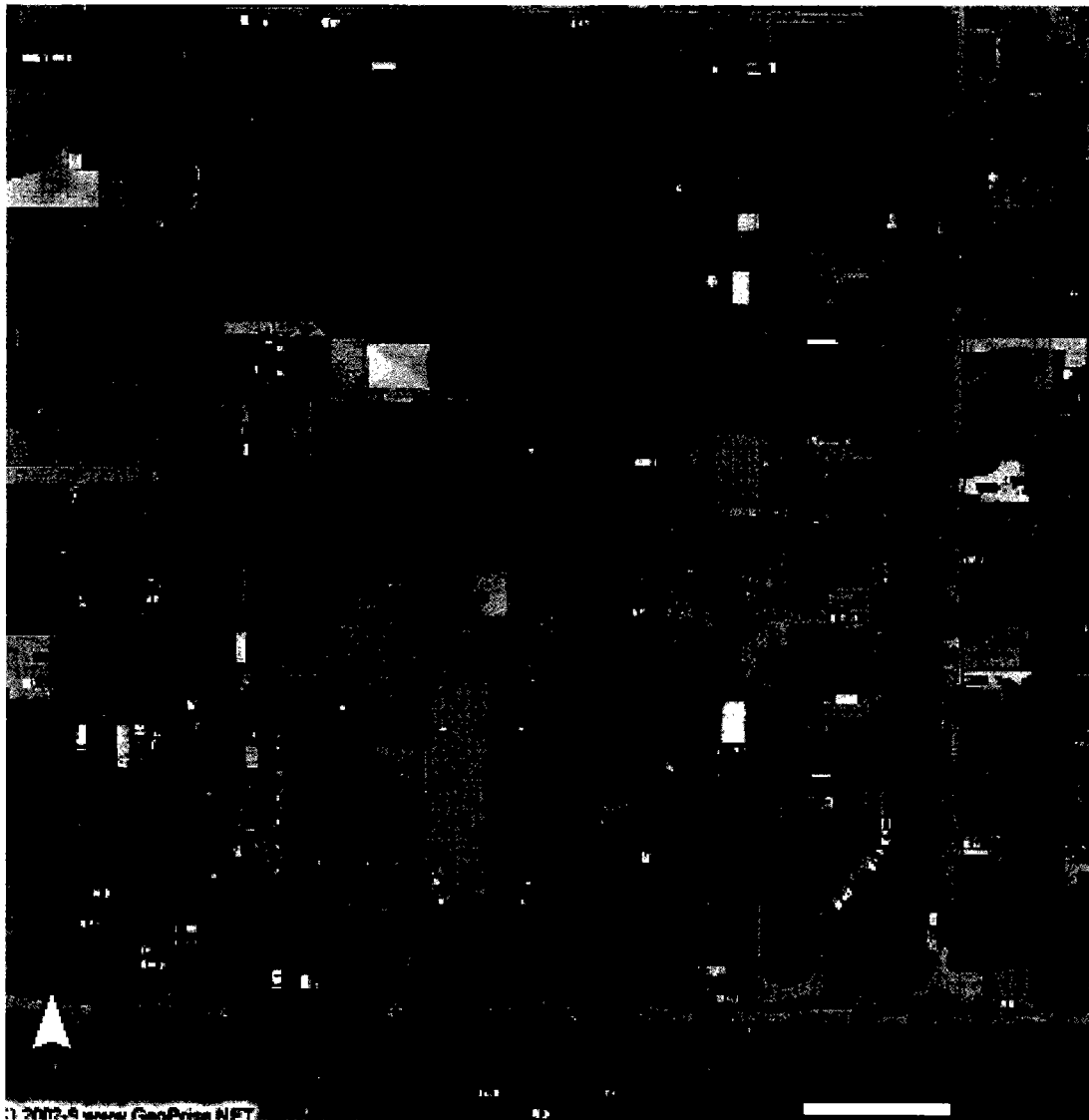
Mr. Kenneth Carr
2229 Raleigh Avenue
Costa Mesa, CA 92627

Christ Lutheran Church
760 Victoria St.
Costa Mesa, CA 92627

Jerry Simpson
2195 Raleigh Avenue
Costa Mesa, CA 92627

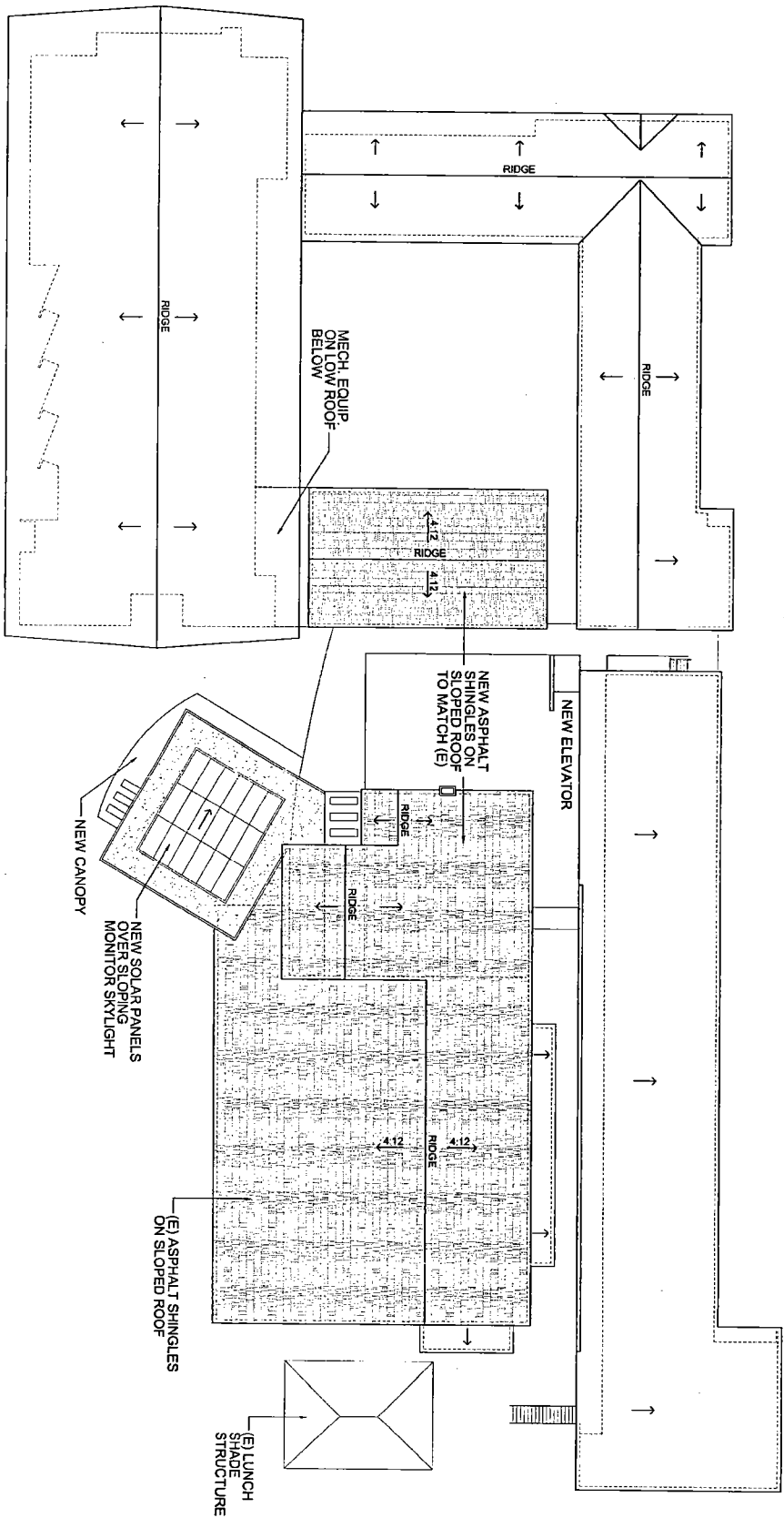
PA-08-23
760 Victoria Street and
2199 Raleigh Avenue

Christ Lutheran Church



ATTACH





CHRIST LUTHERAN CHURCH

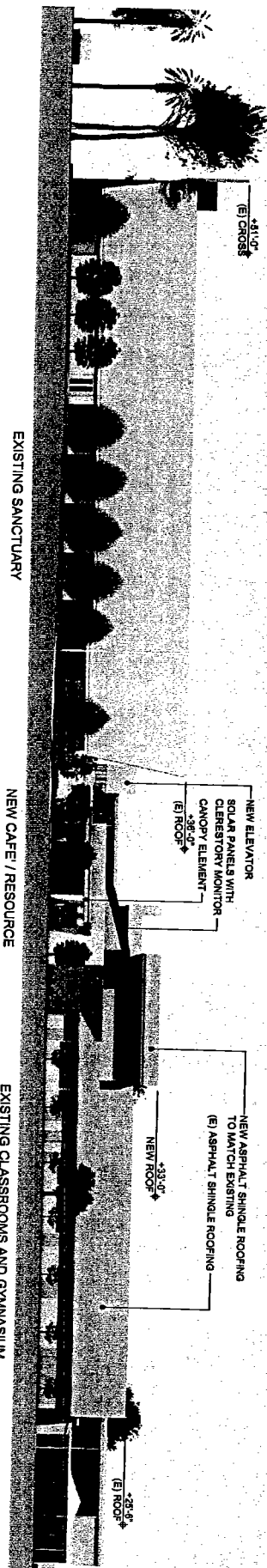
780 VICTORIA
COSTA MESA, CALIFORNIA



J7 Architecture
Creating space, inspiring people
10001 Brea, California 92615
949.233.1234 FAX 949.233.1235

ROOF PLAN

PROJECT NO.: 07007
DATE: 12/09/08
SCALE: 3/32"=1'-0"
SHEET NO.: 4

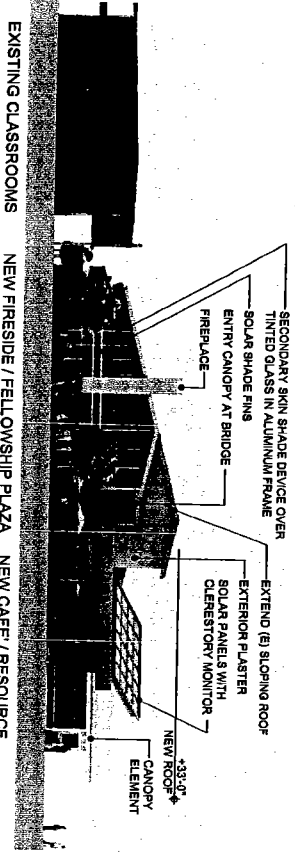


EXISTING SANCTUARY

NEW CAFE / RESOURCE

EXISTING CLASSROOMS AND GYMNASIUM

EAST ELEVATION

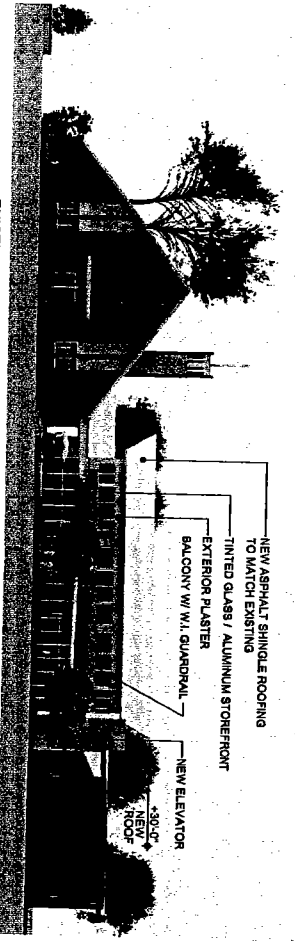


EXISTING CLASSROOMS

NEW FIRESIDE / FELLOWSHIP PLAZA

NEW CAFE / RESOURCE

SOUTH ELEVATION



EXISTING SANCTUARY

NEW ADMINISTRATION

EXISTING CLASSROOMS

NORTH ELEVATION

CHRIST LUTHERAN CHURCH
760 VICTORIA
COSTA MESA, CALIFORNIA

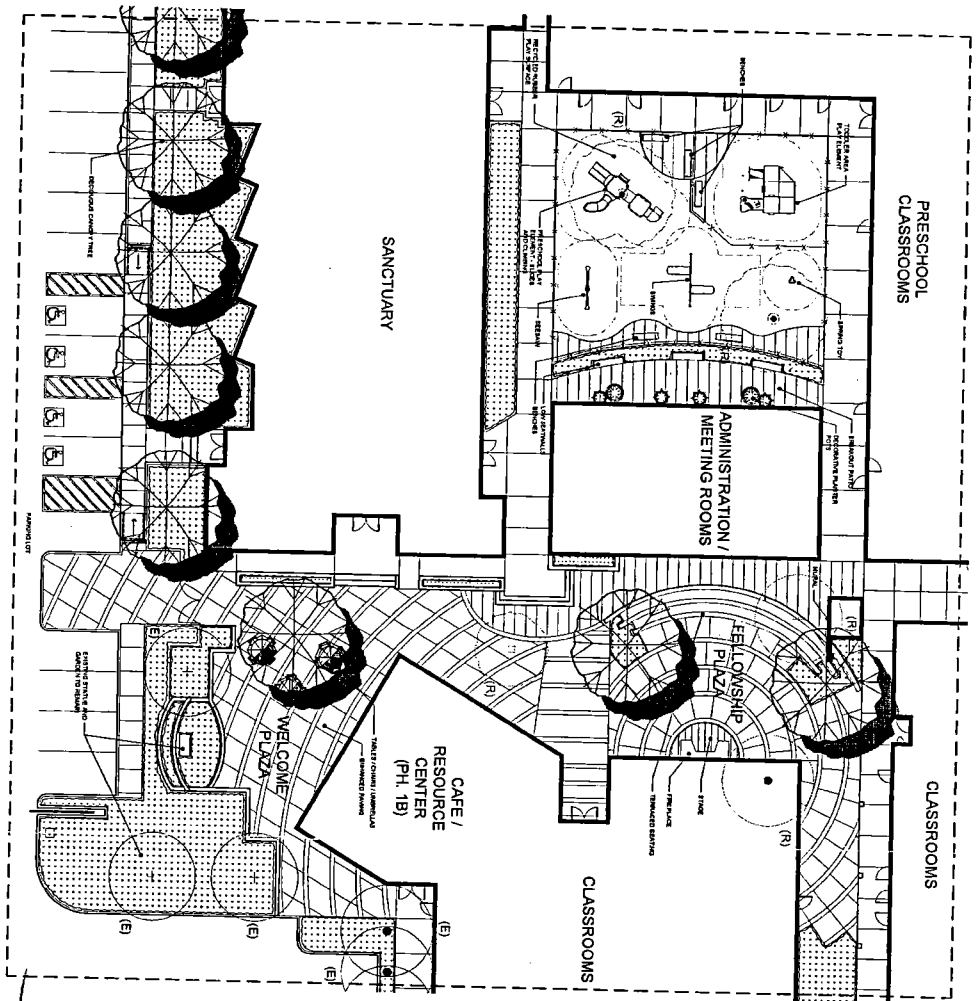


J7 Architecture
Creating space, lifting people.

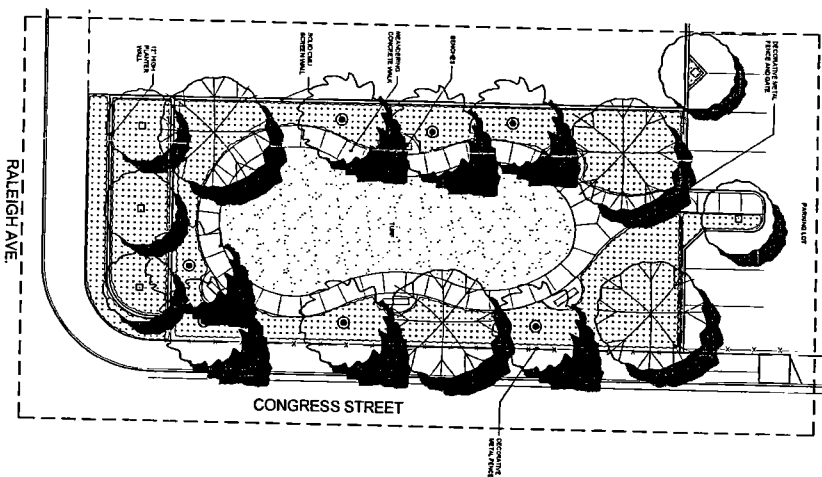
1000 West 10th Street, Suite 200
Costa Mesa, CA 92626
Tel: 714.440.7341

EXTERIOR ELEVATIONS

PROJECT NO.: 07007
DATE: 12/08/08
SCALE: 3/32" = 1'-0"
SHEET NO.: 5



PLAZA AREA ENLARGEMENT PLAN
SCALE: 1" = 10'



OPEN SPACE GARDEN ENLARGEMENT PLAN
SCALE: 1" = 10'

CHRIST LUTHERAN CHURCH 760 VICTORIA COSTA MESA, CALIFORNIA



PRELIMINARY LANDSCAPE PLAN ENLARGEMENTS

PROJECT NO.: 07007
DATE: 11/25/08
SCALE: 1"=10'-0"
SHEET NO.: L2.1



RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA UPHOLDING THE PLANNING
COMMISSION'S APPROVAL OF PLANNING APPLICATION
PA-08-23**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Terry Jacobson of J7 Architecture, as authorized agent for property owners, Christ Lutheran Church, for the real property located at 758 and 760 Victoria Street and 2199 Raleigh Avenue, in an R-1 Zone;

WHEREAS, the proposed project involves Planning Application PA-08-23 for a Conditional Use Permit to construct a net increase of 3,569 square feet for a new two-story administration office, a new fireside building, a café/resource center and a youth loft;

WHEREAS, Planning Application PA-08-23 also includes a variance from the maximum allowable building height to construct a two-story structure with an overall height of 33 feet.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 26, 2009 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, on January 26, 2009, the Planning Commission approved Planning Application PA-08-23, subject to conditions of approval;

WHEREAS, on February 2, 2009, Planning Commission's decision was appealed by a resident to the City Council; and,

WHEREAS, on February 17, 2009, the City Council continued the public hearing to March 3, 2009 to allow proper public noticing of the appeal application.

WHEREAS, on March 3, 2009, a duly noticed public hearing was held by the City Council to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

BE IT RESOLVED that the City Council hereby upholds Planning Commission's decision and approves Planning Application PA-08-23.

BE IT FURTHER RESOLVED that the City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-08-23, based on the evidence in the record and the findings contained in Exhibit "A, "and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 3rd day of March, 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution No. 09-___ as considered at a regular meeting of said City Council held on the ___ day of _____, 2009, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ___ day of _____, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2009.

EXHIBIT "A"**FINDINGS (APPROVAL)**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the number of students remains the same and the improvements provide for a modernized church campus.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed expansion will modernize the appearance and use of church buildings without increasing number of students.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The proposed new driveway on Victoria Street will improve ingress and egress to the site and provide better on-site circulation.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The information presented substantially complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code:
 - a. Because of special circumstances (lot size/width and location) applicable to the property, the strict application of the maximum building height requirement (27 ft. required, 33 ft. proposed) would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. The proposed building height of 33 feet although more than the maximum allowable building height of 27 feet, it is compatible with other on-site buildings and situated in a central location more than 100 feet from property lines.
 - b. The variance granted shall be subject to such conditions as will assure that the deviations authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the variance will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- D. The project has been reviewed for compliance with the California Environmental

Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15332, Class 32.

- E. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated (a) at all affected intersections (b) by the payment of traffic impact fees.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Prior to issuance of a demolition permit for Phase 2 improvements, a Lot Line Adjustment shall be approved and recorded to merge three parcels located at 758 and 760 Victoria Street and 2199 Raleigh Avenue.
2. All conditions of approval for ZE-74-103, PA-86-101, PA-92-25, and PA-94-07 remain in effect unless amended hereto.
3. The applicant shall remove any illegal and non-conforming signs on the property within 14 days of the effective date of this approval. Banner signs shall be in conformance with the requirements of Cost Mesa Municipal Code.
4. The conditions of approval and code provisions of PA-08-23 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
6. Upon completion of demolition and grading activities and prior to construction of Phase 1 improvements, the applicant shall work with adjacent property owners to repair, refinish and replace as necessary for a continuous block wall with a solid cap, consistent plaster treatment, and color along the easterly and westerly property lines subject to final approval by the Planning Division. The applicant shall work with the adjacent property owner(s) to prevent side-by-side walls.
7. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall be approved prior to issuance of building permits. The existing mature tree on Victoria Street shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.
8. No modification(s) of the approved building elevations including, but not

limited to, changes that increase the building height, removal of building articulation, design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.

9. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
10. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
11. No sign is permitted on property located at 2199 Raleigh Avenue. This parcel shall be only developed with landscaping and minimal lighting for passive use and no interference with the quiet enjoyment of the nearby residences abutting the project site.
12. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
13. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
14. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
15. All accessory and temporary structures shall be removed from parking areas. Parking lots shall be open and accessible at all times that the school and church is in operation to prevent overflow parking to adjacent residential streets. The existing gate at Congress Street shall remain in operation; however, any future expansion of the church facilities including any increase in the number of students or concurrent use of the church and school activities that may intensify traffic impact to adjacent properties would require submittal of a traffic analysis and reconsideration of the access on Congress Street.
16. All landscaped areas shall be separated from paved vehicular areas by 6-inch high continuous Portland Cement Concrete (PCC) curbing.
17. All on-site utility services shall be installed underground.

18. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box under the direction of the Planning Division. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
19. Five (5) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and two (2) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
20. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
21. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
22. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency. Mesa Consolidated Water District, Engineering Division, (949) 631-1291.
23. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- Trans. 24. Full mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Planning Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the average daily trip generation rate of 9.11 trip ends per TSF for the proposed project and includes a credit for any previously existing use. At the current rate the Traffic Impact Fee is established at \$5,792.00. The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- Eng. 25. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- Fire 26. If the Group E Occupancy area exceeds 20,000 sq. ft. fire sprinklers will be required per CFC Section 903.2-2.1.
27. A manual and automatic fire alarm system will be required with an occupant load over 50 or more than one classroom or one or more rooms used as day care purposes as per CFC 907-.2.3.

28. Panic hardware shall be required for Group E occupancy if occupant load is over 50 as per CFC 1008.1.9.
- Play Areas 29. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Development Services Director. Outdoor play areas shall include a combination of both hard and soft surfaces.
30. Playground equipment should demonstrate compliance to State of California Playground Safety Regulations R-39-97, (California Code of Regulations Title 22, Division 4, Chapter 22) available from Barclay's California Code of Regulations (800) 888-3600. State safety regulations are based on the ASTM F1487-98 Standard Consumer Safety Performance Specification of Playground Equipment for Public Use and the Consumer Production Safety Commission Handbook for Public Playground #325, both available from the California Department of Health Services, (916) 654-0381.
31. Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights. On a project-specific basis, the Development Services Director shall require that the playground plan adequately serve the anticipated number of users and their activities.
32. Prior to occupancy, the applicant shall submit a letter stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).
33. All nighttime school activities in the outdoor play yard areas shall be subject to review and approval by the Development Services Director.
34. There shall be no nighttime lighting, except for security purposes, of outdoor play areas after school hours. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
35. The outdoor play area shall be enclosed with a six-foot high fence or wall with a lock or latching device that is not accessible to children. All fences or walls shall provide for safety with controlled points of access.
- PIng. Comm 36. The variance approved for the increased building height (overall height of 33 feet) shall only apply to proposed building and not the entire project site.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA MODIFYING THE PLANNING
COMMISSION'S APPROVAL OF PLANNING APPLICATION
PA-08-23**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Terry Jacobson of J7 Architecture, as authorized agent for property owners, Christ Lutheran Church, for the real property located at 758 and 760 Victoria Street and 2199 Raleigh Avenue, in an R-1 Zone;

WHEREAS, the proposed project involves Planning Application PA-08-23 for a Conditional Use Permit to construct a net increase of 3,569 square feet for a new two-story administration office, a new fireside building, a café/resource center and a youth loft;

WHEREAS, Planning Application PA-08-23 also includes a variance from the maximum allowable building height to construct a two-story structure with an overall height of 33 feet.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 26, 2009 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, on January 26, 2009, the Planning Commission approved Planning Application PA-08-23, subject to conditions of approval;

WHEREAS, on February 2, 2009, Planning Commission's decision was appealed by a resident to the City Council; and,

WHEREAS, on February 17, 2009, the City Council continued the public hearing to March 3, 2009 to allow proper public noticing of the appeal application.

WHEREAS, on March 3, 2009, a duly noticed public hearing was held by the City Council to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

BE IT RESOLVED that the City Council **APPROVES AS MODIFIED** Planning Application PA-08-23.

BE IT FURTHER RESOLVED that the City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-08-23, based on the evidence in the record and the findings contained in Exhibit "A, "and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 3rd day of March, 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

EXHIBIT "A"**FINDINGS (APPROVAL)**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the number of students remains the same and the improvements provide for a modernized church campus.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - d. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed expansion will modernize the appearance and use of church buildings without increasing number of students.
 - e. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The proposed new driveway on Victoria Street will improve ingress and egress to the site and provide better on-site circulation.
 - f. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The information presented substantially complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code:
 - a. Because of special circumstances (lot size/width and location) applicable to the property, the strict application of the maximum building height requirement (27 ft. required, 33 ft. proposed) would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. The proposed building height of 33 feet although more than the maximum allowable building height of 27 feet, it is compatible with other on-site buildings and situated in a central location more than 100 feet from property lines.
 - b. The variance granted shall be subject to such conditions as will assure that the deviations authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the variance will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental

procedures, and has been found to be exempt from CEQA under Section 15332, Class 32.

- E. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated (a) at all affected intersections (b) by the payment of traffic impact fees.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Prior to issuance of a demolition permit for Phase 2 improvements, a Lot Line Adjustment shall be approved and recorded to merge three parcels located at 758 and 760 Victoria Street and 2199 Raleigh Avenue.
2. All conditions of approval for ZE-74-103, PA-86-101, PA-92-25, and PA-94-07 remain in effect unless amended hereto.
3. The applicant shall remove any illegal and non-conforming signs on the property within 14 days of the effective date of this approval. Banner signs shall be in conformance with the requirements of Cost Mesa Municipal Code.
4. The conditions of approval and code provisions of PA-08-23 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
6. Upon completion of demolition and grading activities and prior to construction of Phase 1 improvements, the applicant shall work with adjacent property owners to repair, refinish and replace as necessary for a continuous block wall with a solid cap, consistent plaster treatment, and color along the easterly and westerly property lines subject to final approval by the Planning Division. The applicant shall work with the adjacent property owner(s) to prevent side-by-side walls.
7. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall be approved prior to issuance of building permits. The existing mature tree on Victoria Street shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.
8. No modification(s) of the approved building elevations including, but not

limited to, changes that increase the building height, removal of building articulation, design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.

9. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
10. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
11. No sign is permitted on property located at 2199 Raleigh Avenue. This parcel shall be only developed with landscaping and minimal lighting for passive use and no interference with the quiet enjoyment of the nearby residences abutting the project site.
12. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
13. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
14. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
15. All accessory and temporary structures shall be removed from parking areas. Parking lots shall be open and accessible at all times that the school and church is in operation to prevent overflow parking to adjacent residential streets. The existing gate at Congress Street shall remain in operation; however, any future expansion of the church facilities including any increase in the number of students or concurrent use of the church and school activities that may intensify traffic impact to adjacent properties would require submittal of a traffic analysis and reconsideration of the access on Congress Street.
16. All landscaped areas shall be separated from paved vehicular areas by 6-inch high continuous Portland Cement Concrete (PCC) curbing.
17. All on-site utility services shall be installed underground.

18. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box under the direction of the Planning Division. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
19. Five (5) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and two (2) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
20. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
21. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
22. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency. Mesa Consolidated Water District, Engineering Division, (949) 631-1291.
23. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- Trans. 24. Full mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Planning Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the average daily trip generation rate of 9.11 trip ends per TSF for the proposed project and includes a credit for any previously existing use. At the current rate the Traffic Impact Fee is established at \$5,792.00. The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- Eng. 25. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- Fire 26. If the Group E Occupancy area exceeds 20,000 sq. ft. fire sprinklers will be required per CFC Section 903.2-2.1.
27. A manual and automatic fire alarm system will be required with an occupant load over 50 or more than one classroom or one or more rooms used as day care purposes as per CFC 907-.2.3.

28. Panic hardware shall be required for Group E occupancy if occupant load is over 50 as per CFC 1008.1.9.
- Play Areas 29. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Development Services Director. Outdoor play areas shall include a combination of both hard and soft surfaces.
30. Playground equipment should demonstrate compliance to State of California Playground Safety Regulations R-39-97, (California Code of Regulations Title 22, Division 4, Chapter 22) available from Barclay's California Code of Regulations (800) 888-3600. State safety regulations are based on the ASTM F1487-98 Standard Consumer Safety Performance Specification of Playground Equipment for Public Use and the Consumer Production Safety Commission Handbook for Public Playground #325, both available from the California Department of Health Services, (916) 654-0381.
31. Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights. On a project-specific basis, the Development Services Director shall require that the playground plan adequately serve the anticipated number of users and their activities.
32. Prior to occupancy, the applicant shall submit a letter stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).
33. All nighttime school activities in the outdoor play yard areas shall be subject to review and approval by the Development Services Director.
34. There shall be no nighttime lighting, except for security purposes, of outdoor play areas after school hours. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
35. The outdoor play area shall be enclosed with a six-foot high fence or wall with a lock or latching device that is not accessible to children. All fences or walls shall provide for safety with controlled points of access.
- Plng. Comm 36. The variance approved for the increased building height (overall height of 33 feet) shall only apply to proposed building and not the entire project site.
- City Council 37. The applicant shall install a 7-foot high solid block wall abutting the property located at 2195 Raleigh Avenue.
- City Council 38. Haul routes must be approved by the Engineering Division and ensure that access on Congress Avenue is minimized to the greatest extent possible.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA DENYING PLANNING APPLICATION
PA-08-23**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Terry Jacobson of J7 Architecture, as authorized agent for property owners, Christ Lutheran Church, for the real property located at 758 and 760 Victoria Street and 2199 Raleigh Avenue, in an R-1 Zone;

WHEREAS, the proposed project involves Planning Application PA-08-23 for a Conditional Use Permit to construct a net increase of 3,569 square feet for a new two-story administration office, a new fireside building, a café/resource center and a youth loft;

WHEREAS, Planning Application PA-08-23 also includes a variance from the maximum allowable building height to construct a two-story structure with an overall height of 33 feet.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 26, 2009 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, on January 26, 2009, the Planning Commission approved Planning Application PA-08-23, subject to conditions of approval;

WHEREAS, on February 2, 2009, Planning Commission's decision was appealed by a resident to the City Council; and,

WHEREAS, on February 17, 2009, the City Council continued the public hearing to March 3, 2009 to allow proper public noticing of the appeal application.

WHEREAS, on March 3, 2009, a duly noticed public hearing was held by the City Council to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, pursuant to Public Resources Code Section 2180 (b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby DENIES Planning Application PA-08-23 with respect to the property described above.

PASSED AND ADOPTED this 3rd day of March, 2009.

ALLAN R. MANSOOR
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

FINDINGS (DENIAL)

- A. The use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The use is not compatible and harmonious with uses that exist in the general neighborhood.
 - The use is not consistent with General Plan.
 - The cumulative effects of all planning applications have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public and other properties or improvement within the immediate vicinity.
- C. The Costa Mesa City Council has denied Planning Application 08-23. Pursuant to Public Resources Code Section 2180 (b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CITY OF COSTA MESA
P. O. Box 1200
Costa Mesa, CA 92628-1200

FEE: \$ 1,220⁰⁰

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name JERRY SIMPSON
Address 2195 RALEIGH AVE. COSTA MESA, CA 92627
Phone 949-903-9137 Representing* _____

REQUEST FOR: ☐ REVIEW** ☒ APPEAL ☐ REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) PLANNING APPLICATION PA-08-06

DATE OF DECISION JAN. 26, 2009

Decision by: PC

Reasons for requesting review, appeal or rehearing: I FEAR THE LOSS OF VALUE OF MY HOME AT 2195 RALEIGH AVE. AND THE DEVALUING OF AN EXISTING R-1 ZONED NEIGHBORHOOD/COMMUNITY.

2. I FEAR THE LOSS OF MY RIGHT TO "QUIET ENJOYMENT" OF MY HOME.

3. I HAVE MANY SECURITY CONCERNS.

Date: FEB 2, 2009Signature: [Signature]

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.

** Review may be requested only by City Council or City Council Member
Costa Mesa/Forms1/Application for Review-Appeal-Rehearing

RECEIVED
CITY CLERK
2009 FEB -2 AM 10:26
CITY OF COSTA MESA
BY

February 10, 2009

Costa Mesa City Council
77 Fair Drive
P.O. Box 1200
Costa Mesa, CA 92628

RE: Public Hearing Notice - Appeal of Planning Commission's determination regarding Planning Application PA-08-23, for J7 Architecture, authorized agent for Christ Lutheran Church, for renovation of an existing church campus.

Objection: As a local resident for 36 years, I object to the renovation of this church/private school within our single family neighborhood for the following reasons:

1. A main access to the campus is through our neighborhood (Raleigh Ave. and Wallace Ave.) into the rear of the church site.
2. Each parent dropping off and picking up their child makes two round trips through our neighborhood going to and from this private school. Traffic is condensed into two periods of approximately one half hour each morning and afternoon. Currently, traffic often backs up so that it is difficult to exit our driveways.
3. Our neighborhood is highly impacted by on-street parking overflowing from adjacent multi-family housing units. Obstructed lines of sight exacerbate the danger to cars exiting their driveways, our children and our pets because of the speeding traffic! The church has asked drivers to abide by traffic regulations, but the drivers continue their speeding.
4. The proposed demolition of the residence at 2199 Raleigh Ave. to meet "open-space" requirements aggravates the conflicts existing between the church and our neighborhood. This "dog-leg" is far removed from campus activities, yet extends directly into the heart of Raleigh Avenue.

Conclusion: The growth of the church school, enlarged in 1994, has impacted our neighborhood. The proposed 58% expansion of facilities will increase traffic, noise and parking problems.

Mitigation:

1. Limit church/school site access to the three existing driveways on four-lane Victoria Street.
2. During school days, close the neighborhood entry gate located on Congress Street, between Raleigh Ave. and Wallace Ave.
3. Regulate construction phases so that truck traffic does not pass through our neighborhood. Control construction noise and air pollution to minimize impact on our houses.

Thank you for your consideration.

Sincerely,

Kenneth L. Carr, Architect
2229 Raleigh Ave., Costa Mesa, CA 92627

01-26-09 Approved Planning Commission Minute Excerpt for PA-08-23

2. Planning Application PA-08-23, for J7 Architecture, authorized agent for Christ Lutheran Church, for a conditional use permit to renovate an existing church campus, including demolition of 6,180 sq. ft. (parsonage, residential structure, classroom fireside) and addition of 9,749 sq. ft. of new building area containing a two-story administration office, café, and youth lounge for a net increase of 3,569 sq. ft. with a variance from maximum allowable building height (27 ft. required; 33 ft. proposed) for the properties located at 758 and 760 Victoria Street and 2199 Raleigh Avenue, in an R1 zone. Environmental determination: exempt.

Senior Planner Minoo Ashabi reviewed the information in the staff report and gave a detailed presentation. She explained that an additional condition of approval is required for a Lot Line Adjustment to be approved and recorded prior to issuance of a demolition permit for the Phase 1 improvements. She noted one public communications was received on this item.

Ms. Ashabi responded to questions from the Commission regarding FAR (Floor Area Ratio), development versus traffic, and the north elevation.

Mike Gibson, Senior Pastor at Christ Lutheran Church, stated that he read the conditions of approval and agreed to all except for two conditions that they would like to address. He noted this site has been a day school/preschool for 50 years and members of the church were in the audience.

Terry Jacobson, J7 Architecture, asked that an aerial overview be placed on the overhead screen to show the scope of the project. He emphasized that this project is not an expansion, just bringing the facilities up to date, including a welcome center and cafe, and air conditioning for the sanctuary.

Mr. Jacobson addressed Condition of Approval No. 1 and stated their goal was to postpone the Lot Line Adjustment to Phase 2. A discussion ensued regarding the number of parcels, the phases of work, and concerning a subdivision.

Mr. Jacobson also addressed Condition No. 6 relating to construction of a continuous six-foot high block wall and the expense involved. He asked for the existing wall to remain in place. A discussion ensued regarding improving the existing wall to make it more uniform and improving the wall's appearance.

Jerry Simpson, nearby resident on Raleigh Avenue, expressed concern regarding unnecessary noise, security issues, and lower property values.

Gale Galarza, nearby resident on Raleigh Avenue, said she has been a resident for 15 years and expressed concern regarding noise, nighttime crime, and lower property values.

Joaquin Sahagun, nearby resident on Placentia Avenue, said he backs up to the church's baseball diamond and expressed concern regarding security, noise and light pollution, and privacy.

Tom Steinfeld, nearby resident and active member of Christ Lutheran Church, said he believes the church is a good neighbor and has been so for 50 years. He noted this project will provide more egress/ingress and widen the drive isle. He acknowledged the yearly fair and that parking sometimes overflows onto the street.

Ms. Ashabi explained to the Chair concerning the legal, non-conforming block wall.

Mr. Gibson returned to the podium and mentioned that this is a neighborhood church and they would work hard to partner with the community. He replied to the Vice Chair that he would try to address the leaf-blower noise and be a good neighbor.

Mr. Jacobson returned to the podium and explained that they will regulate the light-spill; the increased striped parking will be much more self-contained; and Raleigh Avenue will be fully fenced and not create a security or crime source.

Commissioner Righeimer and Mr. Jacobsen discussed the fencing on Raleigh Avenue and the planter and fencing on Congress Street. Mr. Jacobsen replied to the Chair that motion sensor lights could be considered to address privacy concerns that the neighbors have in relation to the wall/fencing.

MOTION: Approve Planning Application PA-08-23, by adoption of Planning Commission Resolution PC-09-05, based on the evidence in the record and the findings contained in Exhibit "A", and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", with the revised Condition Nos. 1 and 6 and additional Condition No. 36, adopted as follows:

CONDITIONS OF APPROVAL

1. Prior to issuance of a demolition permit for Phase 2 improvements, a Lot Line Adjustment shall be approved and recorded to merge three parcels located at 758 and 760 Victoria Street and 2199 Raleigh Avenue.

6. Upon completion of demolition and grading activities and prior to construction of Phase 1 improvements, the applicant shall work with adjacent property owners to repair, refinish, and replace as necessary for a continuous block wall with a solid cap, consistent plaster treatment, and color along the easterly and westerly property lines, subject to final approval by the Planning Division. The applicant shall work with the adjacent property owner(s) to prevent side-by-side walls.

36. The variance approved for the increased building height (overall height of 33 feet) shall only apply to proposed building and not the entire project site.

Moved by Commissioner James Righeimer, seconded by Chair Donn Hall.

Commissioner Egan asked that an additional condition be added for clarification on the variance and both the maker and the seconder agreed.

Commissioner Righeimer stated that the Christ Lutheran Church is a hub of activity; this project will get the cars off Raleigh Avenue; and the wall will be cleaned up and looking uniform.

Commissioner Clark pointed out that this church has been in that community for 50 years and is a positive influence in the neighborhood. He gave his support for the project.

The Vice Chair also gave his support for the project.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark,
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.



PLANNING COMMISSION AGENDA REPORT

VII.2

MEETING DATE: JANUARY 26, 2009

ITEM NUMBER

SUBJECT: PLANNING APPLICATION PA-08-23 FOR PROPERTY LOCATED AT
758-760 VICTORIA STREET AND 2199 RALEIGH STREET

DATE: JANUARY 9, 2009

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610

DESCRIPTION

The proposed project involves the following discretionary action for the property located at 758 - 760 Victoria Street and 2199 Raleigh Avenue:

- **Planning Application PA-08-06** – Conditional Use Permit for renovation and addition to an existing church campus and a variance from the maximum allowable building height within the R1 zone.

APPLICANT

Terry Jacobson of J7 Architecture is the authorized agent for Christ Lutheran Church, property owners.

RECOMMENDATION

Approve Planning Application PA-08-23, by adoption of attached resolution.

MINOO ASHABI, AIA
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 758 and 760 Victoria Street Application Number: PA-08-23
2199 Raleigh Street

Request: Conditional Use Permit for renovation and addition to a church campus with a variance from building height requirements.

SUBJECT PROPERTY:

Zone: Single Family Residential (R1)
General Plan: Medium Density
Residential MDR
Lot Dimensions: 320' X 605' feet
Lot Area: 4.37 sq. ft.

SURROUNDING PROPERTY:

North: R1 and R2 MD - Residential
South: R1 - Residential and commercial
East: R1 - Residential
West: R2 MD - Residential and church

Existing Development: Church and school campus including a parsonage, sanctuary, classrooms, preschool and day care, playing fields, gymnasium, administration offices and fireside building

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed in R1 zone</u>	<u>Proposed/Provided</u>
Lot Area	6,000 sq. ft.	4.37 acres (phase 1) 4.547 (phase 2)
Floor Area Ratio (Phase 1)	Maximum 0.25 (47,590 S.F.)	0.25 (47,500 S.F.)
Floor Area Ratio (Phase 2)	Maximum 0.25 (49,517 S.F.)	0.25 (49,517 S.F.)
Open Space	40%	41.9%
Building Height	2 stories/27 feet	33 feet ¹
Building Setbacks: (Victoria considered front)		
Front	20 ft.	20 ft.
Side (left/right)	5 ft.	38 ft.
Rear	20 ft.	168 ft.
Parking:		
682 fixed seats – 1 space/3 seats	227 spaces	278 including 68 overflow spaces ²
Interior Landscaping (parking lot)	5,675 S. F.	6,000 S. F.
Block Wall Height	6 feet	6 feet
¹ Variance from maximum allowable height requested,		
² Overflow parking approved by City Council in 1975.		
Final Action	Planning Commission	
CEQA Review	Exempt, Class 32, Infill Development	

BACKGROUND:

The church building and school was originally constructed in 1957 with subsequent additions in 1960, 1963, and 1966.

In January 1975, City Council approved ZE-74-103 that allowed a reduction in parking for construction of additional facilities for the church and school (5,000 square foot classroom and 9,400 square foot fellowship hall). Based on the number of seats in the sanctuary (682 seats), 194 parking spaces were required; 148 parking spaces were provided with 68 overflow parking spaces allowed on the playing field.

On June 23, 1986, Planning Commission approved Planning Application PA-86-101 to construct one additional classroom, a library, and youth room.

On April 13, 1992, Planning Commission approved PA-92-25 that authorized a 900 square-foot addition for a classroom.

On February 14, 1994, Planning Commission approved PA-94-07 that authorized the addition of 7,780 square feet of new classrooms and a day care facility.

ANALYSIS:

Project Location

The 4.37-acre project site is located at 760 Victoria Street. The property owner recently purchased the property at 2199 Raleigh Avenue for expansion of their campus (Vicinity Map, Attachment 1). The church site is currently developed with a sanctuary, parsonage, day care, playing fields, preschool classes, and nine primary school classrooms. The property at 2199 Raleigh Avenue is currently developed with a single family residence. The properties are located within the Single Family Residential (R1) zoning district. Properties to the north and east of the site are developed with single family residences and a separate church and residential properties abut the property to the west.

Conditional Use Permit

The propose project consists of two phases as follows:

Phase 1

This phase includes demolition of the fireside and parsonage buildings (4,380 square feet) and construction of a new two-story administration building and fireside building (5,932 square feet). The two-story building will be located within the central area of the campus, surrounded by the sanctuary building to the east and classrooms to the west. The church property currently contains two parcels, one for the church campus and one for the parsonage. The proposed improvements will not include any building over the parsonage property; therefore, the applicant has requested that the requirement for filing a lot line adjustment to merge the parcels into one be deferred to the second

phase of the project. Since the properties are connected by parking and landscaping and the area of parcel at 758 Victoria is included in calculation of the Floor Area Ratio (FAR), staff is recommending that a lot line adjustment be submitted and recorded prior to issuance of building permits for Phase 1.

Phase 2

This phase includes demolition of the house at 2199 Raleigh Avenue (1,800 square feet) and construction of a new café/resource center and a youth loft over the Gym restrooms (2,017 square feet). The café/resource center will include a roof design with solar panels that is integrated with the building design. The new added site area will ensure that the maximum Floor Area Ratio (FAR) of 0.25 is maintained with the new additional square footage. Since the residential parcel will not be integrated with the church campus and in order to minimize impacts to adjoining properties, the applicant proposes to improve the site as a passive open space with no lighting and an accent landscape area at the corner of Congress Street and Raleigh Avenue. A condition is recommended that would prohibit installation of any signs at 2199 Raleigh Avenue to maintain the residential character of the neighborhood.

Staff recommends approval of the conditional use permit request for the following reasons:

- Church use and school are compatible with the adjacent residential uses. Operation of the church will remain substantially the same without an increase in the number of students.
- The proposed new building and additions are designed to complement the existing structures built in contemporary architectural style and modernize the existing church campus.
- With the additional land area gained at 2199 Raleigh Avenue, the project will be consistent with the General Plan Floor Area Ratio of 0.25 for moderate traffic generating uses.

Variance

The proposed second floor youth loft would require a new roof framing with a ridge height of 33 feet; the maximum allowable building height in R1 zone is 27 feet. The two-story building is situated more than 100 feet from adjacent residential properties; therefore, it is not anticipated to have a shade and shadow impact on surrounding properties. In addition, the current sanctuary is approximately 38 feet in height and is situated closer to the easterly property line. The new building is designed to complement the existing size and massing of the sanctuary.

Staff recommends approval of the variance request for the following reason:

- The applicant requests approval of a variance from the maximum allowable height of 27 feet. A variance provides zoning relief because of unique circumstances related to the size, shape, location, and topography of the property. In this case, the church campus is 4.37-acres and the classroom

building is situated over 100 feet from property lines with an overall height of 33 feet, which does not have the potential to have a negative impact to adjacent properties. In addition, the proposed height is compatible with other existing structures on site.

Lot Line Adjustment

If approved by Planning Commission, a condition is recommended that requires approval of a lot line adjustment merging the three parcels before issuance of building permits for Phase 1 improvements. The subdivision application will be considered under a separate request by staff.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental processing procedures. Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

LEGAL REVIEW

The City Attorney's office has approved the attached resolution as to form.

ALTERNATIVES

The Planning Commission has the following options:

1. Approve the proposed project. Proposed expansion of the church campus would be in conformance with the City's General Plan and R1 zoning. The proposed facilities would modernize both the appearance and use of the buildings within the church campus.
2. Deny the proposed project. The proposed expansion would not be in conformance with the City's General Plan and R1 zoning or compatible with the surrounding R1 properties. The applicant could not apply for a similar project until six months after the decision date.

CONCLUSION

This project involves renovation and addition to an existing church campus, including a variance from maximum allowable building height. The operation of the church will remain substantially the same without an increase in the number of students. While a variance is requested from maximum building height, staff believes the project exhibits a good quality design and compatibility with the neighboring developments.

- Attachments:
1. Vicinity Map
 2. Site Photos
 3. Planning Commission Resolution of Approval
 4. Planning Commission Resolution of Denial
 5. Submitted Letter
 6. Site Plans/Elevations/Floor Plans

cc: Deputy City Mgr., Dev. Svs. Director
Deputy City Attorney
Public Svs. Director
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

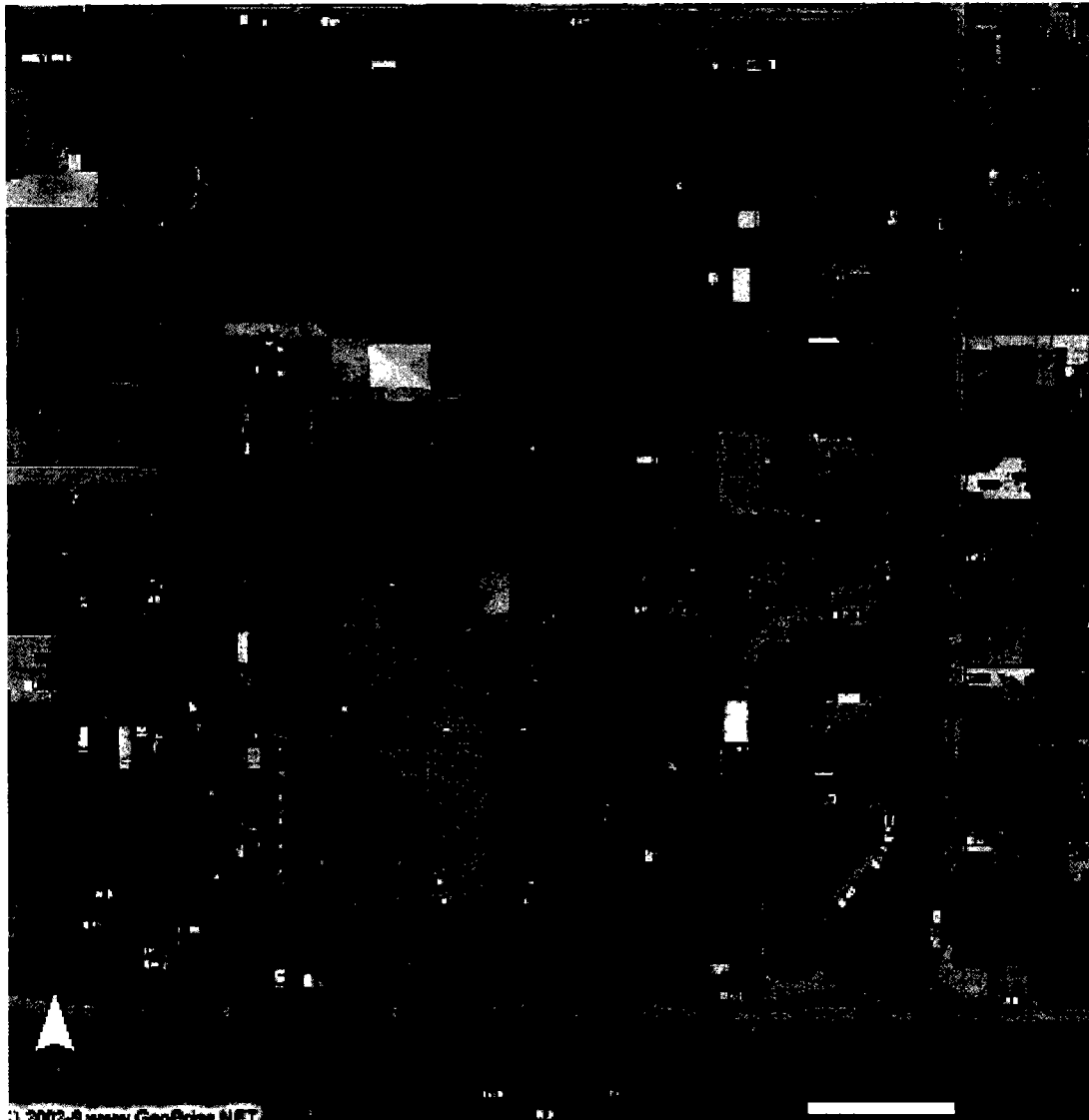
Terry D. Jacobson
J7 Architecture
1470 Jamboree Road, Suite 200
Newport Beach, CA 92660

Christ Lutheran Church
760 Victoria St.
Costa Mesa, CA 92627

File: 012609PA0823	Date: 011509	Time: 9:45 a.m.
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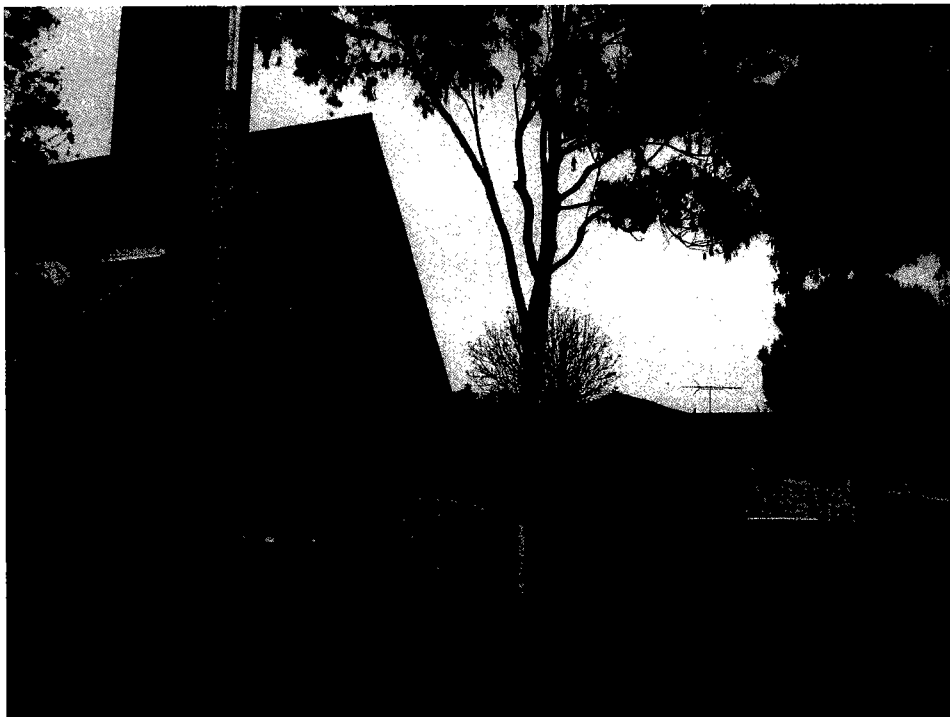
PA-08-23
760 Victoria Street and
2199 Raleigh Avenue

Christ Lutheran Church





View of the Preschool Entrance from Victoria Street



View of the Site From Victoria Street Looking East



View of the Site Looking North



View of the Parking Lot Looking North



J7·Architecture

Creating space. Inspiring people.

November 6, 2008

Minoo Ashabi, A.I.A., Senior Planner
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa, CA 92628

NOV 2008

RE: Application PA-08-23

Dear Minoo:

Thank you for the recent meeting where we discussed the application of Christ Lutheran Church. I have incorporated the adjustments to the plans and believe they are now complete and reflect the input from you and Dennis Johnson from Transportation.

In your prior review dated October 13, 2008 you listed items 1 through 9 which will be addressed below.

1. The building square footage and resultant FAR has been calculated based upon the current code definition. See the tabulations.
2. The property at 2199 Raleigh will be incorporated into the property and be a part of the FAR calculation in Phase 1B. At this time a lot line adjustment will be made, more detailed landscape plans provided, etc. The lot will be a passive landscaped fenced open space. We are not proposing an active playground, night lighting or expanded parking.
3. The highest parking demand occurs on weekends and evenings during church events. The school and office mid week parking requirements are significantly less and will be satisfied with the on site parking. As we mentioned the church currently has an agreement with the adjacent church for staff parking during weekdays as well. You are welcome to visit the site as we discussed to observe the school drop off and pick up circulation and procedures.
4. The hours of operation, list of activities and uses, etc. has been provided in the Operational Plan. The church sanctuary is not typically used during school hours.
5. The front yard landscape setback has been provided along the new entry drive and labeled on the site plan. We have read the Landscape Ordinance and calculated the parking lot landscape area. See the revised tabulation.
6. The trash enclosure has been relocated as discussed away from residential neighbors and centered on a joint property line.
7. Dimensions have been added to clarify parking aisle and stall sizes. There are no compact spaces proposed.
8. The access on Congress is used but highly controlled in compliance with prior entitlement approvals. The gate is opened for specific circulation needs and then closed again when not in use. There is no added access proposed from either Congress or Raleigh.
9. The elementary school playgrounds are not regulated by the State of California for private schools however the various activity areas do meet the criteria. The licensed Preschool is regulated by the State and must meet their standards under Title 22.

We are in receipt of the letter from Raja Sethuraman to our civil engineer, David Cosper regarding the request for the street R.O.W. vacation. You will note that we have eliminated this request from the plans and show our existing land area and property lines.

1470 Jamboree Road, Suite 200

Newport Beach, CA 92660

P 949.759.8587 F 949.759.9381

www.j7architecture.com



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I have provided you with two sets of the revised sheets showing the new tabulations and phasing. Please review them to make sure they are complete and then kindly begin the entitlement process. The church is most anxious to move this forward toward Planning Commission hearing and ultimate approval.

Thank you for your help in this matter,



Terry D. Jacobson, Architect
J7 ARCHITECTURE, INC.

1470 Jamboree Road, Suite 200

Newport Beach, CA 92660

P 949.759.8587 F 949.759.9381

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NOV 2008

**CHRIST LUTHERAN CHURCH AND SCHOOL
COSTA MESA, CALIFORNIA
OPERATIONAL PLAN 08/06/08**

In an effort to clarify the various activities of Christ Lutheran Church and School and to accompany our application for a revised Campus Master Plan C.U.P. the following outline summarizes the operations of the church and school both now and in the future.

CURRENT CHURCH OPERATION

Our current church functions within the existing one and two story buildings located at 760 Victoria Avenue, Costa Mesa, California. The activities include worship with classrooms for various age groups in support of this function and administrative office uses. The seating capacity of the Sanctuary is approximately 700p.

Sunday: Worship services occur at 8:00 AM, 9:45 AM and 5:00 PM on Sunday. Sunday School is offered for the children during the 9:30 AM Sunday worship time.

Midweek Daytime: Church Office 8:00 AM to 5:00 PM, Monday through Friday.

Midweek Nighttime: Various ministry groups meet on the grounds from about 7:00 PM until 9:30 PM.

CURRENT SCHOOL OPERATION

The campus serves as a Preschool and Kindergarten through Eighth Grade Elementary School facility during the weekdays. The current enrollment for the Preschool is 65 (licensed for 75) and the Elementary School is 240 students for a total of 305. Under the existing CUP the total approved is 410.

Midweek Daytime: School Office 8:00 AM to 5:00 PM, Monday through Friday.
Preschool Sessions 7:00 AM to 6:00 PM, Monday through Friday.
Elementary School 8:30 AM to 3:00 PM, Monday through Friday.
Before and After School Program 7:00 AM and 6:00 PM, Monday through Friday.

FUTURE OPERATION

With the proposed renovation of the campus, the capacity of the Sanctuary and the maximum student count under the current CUP will remain unchanged. The improvements will include better vehicular access off of Victoria, additional on-site parking, Fellowship Plaza development and upgrade of support facilities and infrastructure.

A new resource center (library) with limited coffee and snack service will be built at the Welcome Plaza. The existing Fireside Room will be removed and a new meeting room will be added adjacent to the existing Gym. The current Gymnasium will be upgraded to allow multi-purpose uses for youth meetings, midweek recreation, social gatherings including dinners, etc.

The offices will be relocated into a new centralized two story building to allow all staff to be in one area. A nursery / preschool classroom along with a music suite for the worship team will replace the current offices. A new elevator will provide access to all second level facilities.

Three new second floor classrooms are proposed in a future phase which would be contingent upon additional land acquisition to maintain the allowed F.A.R. of 25%.

The basic activities and times of operation for both the church and the school will remain the same but the additional and improved facilities will accommodate the various ministry needs.

**CHRIST LUTHERAN CHURCH AND SCHOOL
COSTA MESA, CALIFORNIA
CONDITIONAL USE PERMIT REQUEST 08/06/08**

Christ Lutheran Church and School located at 760 Victoria Street in Costa Mesa has operated under a Conditional Use Permit within a Residential Zone since 1957. Over the years the use has proven to be compatible with the other uses permitted in the general area.

The western properties are primarily multifamily residential with another church use at the corner of Victoria and Placentia.

The eastern and northerly property lines adjoin single family residential neighborhoods. Under prior approval PA-94-07 a study was provided which addressed the access onto Congress Street. The church and school have worked within the conditions of prior approvals to limit this access as allowed. Gates control the times and frequency of its use.

The proposed uses including the seating capacity of the Sanctuary and the student enrollment for the School are unchanged from the current allowed uses and therefore will not be materially detrimental to the other properties in the area.

RESOLUTION NO. PC-09-5

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-08-23 FOR EXPANSION OF A CHURCH
CAMPUS LOCATED AT 758 AND 760 VICTORIA STREET
AND 2199 RALEIGH AVENUE.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Terry Jacobson of J7 Architecture, as authorized agent for property owners, Christ Lutheran Church, for the real property located at 758 and 760 Victoria Street and 2199 Raleigh Avenue, in an R-1 Zone;

WHEREAS, the proposed project involves Planning Application PA-08-23 for a Conditional Use Permit to construct a net increase of 3,569 square feet for a new two-story administration office, a new fireside building, a café/resource center and a youth loft;

WHEREAS, Planning Application PA-08-23 also includes a variance from the maximum allowable building height to construct a two-story structure with an overall height of 33 feet.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 26, 2009 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

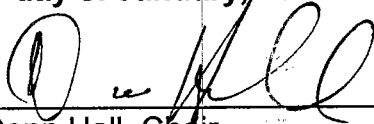
WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

BE IT RESOLVED that the Planning Commission approves Planning Application PA-08-23.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity

as described in the Staff Report for Planning Application PA-08-23, based on the evidence in the record and the findings contained in Exhibit "A," and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 26th day of January, 2009.

A handwritten signature in black ink, appearing to read "Donn Hall", is written over a horizontal line.

Donn Hall, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

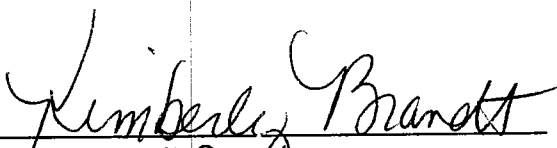
I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 26, 2009, by the following votes:

AYES: COMMISSIONERS: HALL, FISLER, CLARK, EGAN, RIGHEIMER

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Kimberly Brandt, Secretary,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the number of students remains the same and the improvements provide for a modernized church campus.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed expansion will modernize the appearance and use of church buildings without increasing number of students.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The proposed new driveway on Victoria Street will improve ingress and egress to the site and provide better on-site circulation.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The information presented substantially complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code:
 - a. Because of special circumstances (lot size/width and location) applicable to the property, the strict application of the maximum building height requirement (27 ft. required, 33 ft. proposed) would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. The proposed building height of 33 feet although more than the maximum allowable building height of 27 feet, it is compatible with other on-site buildings and situated in a central location more than 100 feet from property lines.
 - b. The variance granted shall be subject to such conditions as will assure that the deviations authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the variance will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15332, Class 32.
- E. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated (a) at all affected intersections (b) by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Prior to issuance of a demolition permit for Phase 2 improvements, a Lot Line Adjustment shall be approved and recorded to merge three parcels located at 758 and 760 Victoria Street and 2199 Raleigh Avenue.
2. All conditions of approval for ZE-74-103, PA-86-101, PA-92-25, and PA-94-07 remain in effect unless amended hereto.
3. The applicant shall remove any illegal and non-conforming signs on the property within 14 days of the effective date of this approval. Banner signs shall be in conformance with the requirements of Cost Mesa Municipal Code.
4. The conditions of approval and code provisions of PA-08-23 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
6. Upon completion of demolition and grading activities and prior to construction of Phase 1 improvements, the applicant shall work with adjacent property owners to repair, refinish and replace as necessary for a continuous block wall with a solid cap, consistent plaster treatment, and color along the easterly and westerly property lines subject to final approval by the Planning Division. The applicant shall work with the adjacent property owner(s) to prevent side-by-side walls.
7. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall be approved prior to issuance of building permits. The existing mature tree on Victoria Street shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.
8. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.

9. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
10. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
11. No sign is permitted on property located at 2199 Raleigh Avenue. This parcel shall be only developed with landscaping and minimal lighting for passive use and no interference with the quiet enjoyment of the nearby residences abutting the project site.
12. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
13. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
14. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
15. All accessory and temporary structures shall be removed from parking areas. Parking lots shall be open and accessible at all times that the school and church is in operation to prevent overflow parking to adjacent residential streets. The existing gate at Congress Street shall remain in operation; however, any future expansion of the church facilities including any increase in the number of students or concurrent use of the church and school activities that may intensify traffic impact to adjacent properties would require submittal of a traffic analysis and reconsideration of the access on Congress Street.
16. All landscaped areas shall be separated from paved vehicular areas by 6-inch high continuous Portland Cement Concrete (PCC) curbing.
17. All on-site utility services shall be installed underground.
18. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box under the direction of the Planning Division. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
19. Five (5) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and two (2) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
20. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed

- arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
21. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
 22. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-103 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency. Mesa Consolidated Water District, Engineering Division, (949) 631-1291.
 23. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 - Trans. 24. Full mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Planning Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the average daily trip generation rate of 9.11 trip ends per TSF for the proposed project and includes a credit for any previously existing use. At the current rate the Traffic Impact Fee is established at \$5,792.00. The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
 - Eng. 25. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
 - Fire 26. If the Group E Occupancy area exceeds 20,000 sq. ft. fire sprinklers will be required per CFC Section 903.2-2.1.
 27. A manual and automatic fire alarm system will be required with an occupant load over 50 or more than one classroom or one or more rooms used as day care purposes as per CFC 907-.2.3.
 28. Panic hardware shall be required for Group E occupancy if occupant load is over 50 as per CFC 1008.1.9.
 - Play Areas 29. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Development Services Director. Outdoor play areas shall include a combination of both hard and soft surfaces.
 30. Playground equipment should demonstrate compliance to State of California Playground Safety Regulations R-39-97, (California Code of Regulations Title 22, Division 4, Chapter 22) available from Barclay's California Code of Regulations (800) 888-3600. State safety regulations are based on the ASTM F1487-98 Standard Consumer Safety Performance Specification of Playground Equipment for Public Use and the Consumer Production Safety Commission Handbook for Public Playground #325, both available from the California Department of Health Services, (916) 654-0381.
 31. Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights. On a project-specific basis, the Development Services Director shall require that the playground plan adequately serve the anticipated number of users and their activities.
 32. Prior to occupancy, the applicant shall submit a letter stating that the play

equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).

33. All nighttime school activities in the outdoor play yard areas shall be subject to review and approval by the Development Services Director.
34. There shall be no nighttime lighting, except for security purposes, of outdoor play areas after school hours. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
35. The outdoor play area shall be enclosed with a six-foot high fence or wall with a lock or latching device that is not accessible to children. All fences or walls shall provide for safety with controlled points of access.
36. The variance approved for the increased building height (overall height of 33 feet) shall only apply to proposed building and not the entire project site.

Plng.
Comm